



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,994	07/08/2003	Tsu-Wei Chen	33079/US/2	6241
38598	7590	08/08/2007		
ANDREWS KURTH LLP 1350 I STREET, N.W. SUITE 1100 WASHINGTON, DC 20005			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

80

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,994	<b>Applicant(s)</b> CHEN ET AL.	
	<b>Examiner</b> Ramy M. Osman	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to amendment filed on May 23, 2007, where applicant amended claims 1,7,10,13,16,18,20, and cancelled claim 17. Claims 1-16,18-24 are pending.

### ***Response to Arguments***

2. Applicant's amendments filed on 5/23/2007 and Applicants arguments in view of said amendments have been fully considered and are found to be persuasive. The previous rejections are withdrawn. However, a new grounds of rejection is presented below, in light of the amended claims, and based upon newly found art presented below.

### ***Claim Objections***

3. Claim 2 objected to because of the following informality:  
  
In line 3, change "routs" to "route". (add the letter "e")  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the routing box uses publish-subscribe based routing to transfer

Art Unit: 2157

the digital content files or if it uses the filters to transfer the digital content files. It is unclear which routing method is used, or if both are used, or how it is possible for both to be used in a way that avoids conflicts in routing procedures.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 1-16,18-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger et al (US Patent No 6,567,893) in view of Speakman et al (US Patent No 6,055,364).**

8. In reference to claim 1, Challenger teaches a network for distributing digital content to subscribers, comprising:

a plurality of user machines (column 3 lines 17-25);

a central distributor that regularly distributes digital content (column 3 lines 10-14);

a plurality of cache servers that receive and cache the distributed digital content, wherein the cache servers periodically receive user requests from user machines for certain of the cached digital content and forward the requested digital content to the user machines (column 3 lines 5-16); and,

using a publish-subscribe content-based routing, wherein the digital content files are publications and the user requests are subscriptions (column 4 lines 25-55).

Challenger fails to explicitly teach a routing box that receives the distributed digital content as files from the central distributor and transfers the digital content files to the plurality of cache servers, and wherein the routing box receives a filter and uses the filter to selectively transfer the digital content files to one or more of the plurality of cache servers. However, Speakman teaches selectively transferring content to recipients via content-based filtering (figure 1 and column 5 lines 5-27 & 37-53). Speakman discloses utilizing content descriptors in routing for the purpose of enabling distribution of varying categories of subscription information to a large number of recipients. It would have been obvious for one of ordinary skill in the art to modify Challenger wherein a routing box that receives the distributed digital content as files from the central distributor and transfers the digital content files to the plurality of cache servers, and wherein the routing box receives a filter and uses the filter to selectively transfer the digital content files to one or more of the plurality of cache servers as per the teachings of Speakman for the purpose of enabling distribution of varying categories of subscription information to a large number of recipients.

9. In reference to claim 2, Challenger teaches the network of claim 1, wherein the routing box is a first routing box, the network further comprising a second routing box co-located with the plurality of cache servers, wherein the first routing box routs the digital content files to the second routing box co- located with at least one of the plurality of cache servers. (Speakman, see figure 1)

10. In reference to claim 3, Challenger teaches the network of claim 1, wherein the plurality of cache servers are located at a network service provider. (Challenger, column 3 line 40 – column 4 line 15)

Art Unit: 2157

11. In reference to claim 4, Challenger teaches the network of claim 1, wherein the plurality of cache servers are a first level of cache servers that store all the digital content distributed by the central distributor. (Challenger, column 3 line 40 – column 4 line 15)

12. In reference to claim 5, Challenger teaches the network of claim 4, further comprising a second level of cache servers that store a portion of the digital content distributed by the central distributor. (Challenger, column 3 line 40 – column 4 line 15)

13. In reference to claim 6, Challenger teaches the network of claim 5, wherein the routing box is a first routing box, the network further comprising a second routing box co-located with the second level of cache servers, wherein the first routing box and the second routing box transfer digital content files from the first level of cache servers to the second level of cache servers using a publish-subscribe content-based routing. (Speakman, see figure 1)

14. In reference to claim 7, Challenger teaches the network of claim 6, wherein each of the routing boxes include: a receive module for receiving a packet having a header section and a payload section, the payload section including information relating to a digital content file; an inspect module for inspecting the payload section of the packet for use in determining how to route the packet; and a route module for selectively routing the packet from the first level of cache servers to the second level of cache servers based upon the inspecting. (Speakman, figure 1 and column 5 lines 5-27 & 37-53)

15. In reference to claim 8, Challenger teaches the network of claim 5, wherein the portion of the digital content stored by the second level of cache servers is determined based on a history of received user requests. (Challenger, column 5 lines 40-67)

16. In reference to claim 9, Challenger teaches the network of claim 5, wherein the second level of cache servers directly receive the user requests and forward user requests to the first level of cache servers for digital content not stored by the second level of cache servers.

(Challenger, column 5 lines 40-67)

17. In reference to claim 10, Challenger teaches the network of claim 1, wherein the routing box includes: a receive module for receiving a packet having a header section and a payload section, the payload section including information relating to a digital content file; an inspect module for inspecting the payload section of the packet for use in determining how to route the packet; and a route module for selectively routing the packet from the central distributor to the plurality of cache servers based upon the inspecting. (Speakman, figure 1 and column 5 lines 5-27 & 37-53)

18. In reference to claim 11, Challenger teaches the network of claim 1, wherein the central distributor comprises one or more servers. (Challenger, column 3 lines 10-14)

19. In reference to claim 12, Challenger teaches the network of claim 1, wherein the digital content includes video, music and software. (Challenger, column 3 lines 10-40)

20. In reference to claims 13-16 and 18-24, Challenger teaches the corresponding method of distributing digital content based on the same rationale presented above for network claims of 1-12. Claims 13-16 and 18-24 are rejected based on the same rationale of the rejections of claims 1-12.

### ***Conclusion***

21. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the

Art Unit: 2157

entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

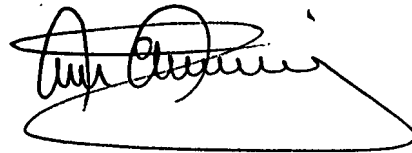
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO  
August 3, 2007

A handwritten signature in black ink, appearing to read 'Ario Etienne', enclosed within a large, hand-drawn oval loop.

**ARIO ETIENNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**